

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES E. JOHNSON,

Plaintiff,

vs.

UNION PACIFIC RAILROAD  
COMPANY,

Defendant.

**8:18CV540**

**ORDER**

This matter is before the court upon the notice of death of Plaintiff, James E. Johnson. (Filing No. 49). In accordance with Fed. R. Civ. P. 25(a)(1), decedent's successor or representative, or any party, must move for substitution of the deceased party within 90 days after the suggestion of death is filed. The notice of death was filed on March 11, 2021. Upon the suggestion of Plaintiff's death (Filing No. 49),

IT IS ORDERED:

- 1) This case is stayed until June 9, 2021, pending a determination of whether the decedent's claims will be revived and further litigated by Plaintiff's estate.
- 2) On or before June 9, 2021, Plaintiff's counsel shall either: 1) move to voluntarily dismiss this case; 2) file a motion to substitute Plaintiff's estate or personal representative as the named Plaintiff in this action; or, 3) file a report advising the court as to whether Plaintiff's estate intends to further litigate this action and the current status of any court proceedings (state or bankruptcy) underway that may impact the progression of this case.
- 3) Absent timely compliance with this order, the claims filed by decedent may be subject to dismissal pursuant to Fed. R. Civ. P. 25(a)(1).

- 4) The clerk shall set a case management deadline of June 9, 2021 to confirm compliance with this order.

Dated this 16th day of March, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge